

218643

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THOMAS F. MCFARLAND

February 15, 2007

By UPS overnight mail

Vernon A. Williams, Secretary
Surface Transportation Board
Case Control Unit, Suite 713
1925 K Street, N.W.
Washington, DC 20423-0001

FILED
FEB 16 2007
SURFACE
TRANSPORTATION BOARD

Re: Finance Docket No. 35000, *TRI Railroad, LLC -- Acquisition and Operation
Exemption -- TRI Owners Association*

Dear Mr. Williams:

Enclosed please find an original and 10 copies of Verified Notice of Exemption Under 49 C.F.R. § 1150.31, for filing with the Board in the above referenced matter.

Also enclosed is a check in the amount of \$1,500 for the filing fee.

ENTERED
Office of Proceedings

FEB 16 2007

Board of
Public Transport

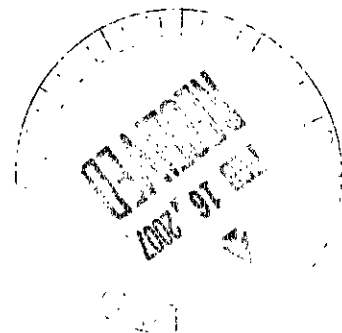
Very truly yours,

Tom McFarland

Thomas F. McFarland
Attorney for TRI Railroad, LLC

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FEE RECEIVED
FEB 16 2007
SURFACE
TRANSPORTATION BOARD



BEFORE THE
SURFACE TRANSPORTATION BOARD

TRI RAILROAD, LLC -- ACQUISITION) FINANCE DOCKET
AND OPERATION EXEMPTION -- TRI) NO. 35000
OWNERS ASSOCIATION)

VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. 1150.31

ENTERED
Office of Proceedings

FEB 16 2007

Part of
Public Record

TRI RAILROAD, LLC
8725 Technology Road
Reno, NV 89521

Applicant

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**SURFACE
TRANSPORTATION BOARD**

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**SURFACE
TRANSPORTATION BOARD**

THOMAS F. McFARLAND
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208 South LaSalle Street, Suite 1890
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mcfarland@aol.com

Attorney for Applicant

DATE FILED: February 16, 2007

BEFORE THE
SURFACE TRANSPORTATION BOARD

TRI RAILROAD, LLC -- ACQUISITION)	FINANCE DOCKET
AND OPERATION EXEMPTION -- TRI)	NO. 35000
OWNERS ASSOCIATION)	

**VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. 1150.31**

Pursuant to the class exemption for noncarrier acquisition and operation of rail lines at 49 C.F.R. § 1150.31 *et seq.*, TRI Railroad, LLC ("Railroad"), a noncarrier, hereby files this Verified Notice of Exemption from the requirements of 49 U.S.C. § 10901 for its acquisition from TRI Owners Association ("Owners") and operation of (1) Track A, which extends from point of connection with Union Pacific Railroad Company (UP) at Engineering Station 1+59 near UP Milepost 259.20 to Engineering Station 123+74 at the end of track at or near Tahoe/Reno Industrial Center, a distance of approximately 12,215 track feet, or 2.31 miles, and (2) Track B, which parallels Track A for a distance of approximately 2,202 track feet, or .42 miles, for a total of 14,417 track feet, or 2.73 miles, all located in Patrick, Storey County, Nevada ("the Rail Line"). The Rail Line is depicted in blue on a map attached to this Notice as Appendix 1.

Heretofore, the Rail Line has been owned and operated by Owners as private track. Owners has agreed to convey the Rail Line to its affiliated corporation, Railroad, for operation as a common carrier rail line.

INFORMATION REQUIRED BY 49 C.F.R. § 1150.33

(a) The full name and address of the applicant;

TRI Railroad, LLC, 8725 Technology Road, Reno, NV 89521.

(b) The name, address, and telephone number of the representative of the applicant who should receive correspondence;

Applicant's representative is Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112, (312) 236-0204.

(c) A statement that an agreement has been reached or details about when an agreement will be reached;

An agreement has been reached for conveyance of the Rail Lines from Owners to Railroad.

(d) The operator of the property;

TRI Railroad, LLC will operate the Rail Line.

(e) A brief summary of the proposed transaction, including:

(1) The name and address of the railroad transferring the subject property,

Tri Owners Association, P.O. Box 838, Poway, CA 92074.

(2) The proposed time schedule for consummation of the transaction,

Consummation is scheduled no earlier than thirty days after the filing of this Notice.

(3) The mile-posts of the subject property, including any branch lines,

(1) Track A, which extends from point of connection with Union Pacific Railroad Company (UP) at Engineering Station 1+59 near UP Milepost 259.20 to Engineering Station 123+74 at the end of track at Tahoe/Reno Industrial Center, a distance of approximately 12,215 track feet, or 2.31 miles, and (2) Track B, which parallels Track A for a distance of approximately 2,202 track feet, or .42 miles, for a total of 14,417 track feet, or 2.73 miles, all located in Patrick, Storey County, Nevada. The Rail Line does not have mileposts.

(4) The total route miles being acquired;

Approximately 2.73 route miles are being acquired.

(f) A map that clearly indicates the area to be served, including origins, termini, stations, cities, counties, and States; and

The required map is attached as Appendix 1.

(g) A certificate that applicant's projected revenues do not exceed those that would qualify it as a Class III carrier.

The required certificate is attached as Appendix 2.

VERIFICATION

A verification of the facts in this Notice is attached as Appendix 3.

ENVIRONMENTAL AND HISTORIC CONSIDERATIONS

Pursuant to 49 C.F.R. § 1105.6(c)(2) and 49 C.F.R. § 1105.7(b)(1), no environmental or historic documentation or report is required for the proposed acquisition.

LABOR PROTECTION

Pursuant to 49 U.S.C. § 10901(c), no labor protection is required for the proposed acquisition.

CAPTION SUMMARY

The required caption summary is attached as Appendix 4.

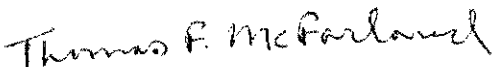
CONCLUSION

WHEREFORE, the Board should publish this Notice in the Federal Register within 16 days of its filing. *See Public Participation in Class Exemption Proceedings*, 2006 STB LEXIS 627 (Ex Parte No. 659, decision served Oct. 19, 2006).

Respectfully submitted,

TRI RAILROAD, LLC
8725 Technology Road
Reno, NV 89521

Applicant



THOMAS F. McFARLAND
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mcfarland@aol.com

Attorney for Applicant

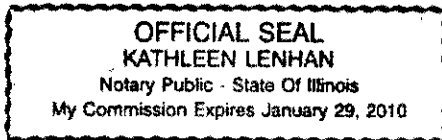
DATE FILED: February 16, 2007

APPENDIX 1

APPENDIX 2

CERTIFICATION

THOMAS F. McFARLAND, on oath, states that the projected revenues of TRI Railroad, LLC as a result of the acquisition and operation in this docket would not exceed those that would qualify it as a Class III rail carrier.



Thomas F. McFarland

Thomas F. McFarland

SUBSCRIBED and SWORN
to before me this 15th
day of February, 2007.

Kathleen Lenhan

Notary Public

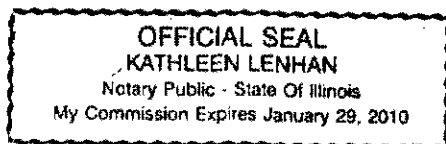
My commission expires: 1/29/2010

APPENDIX 3

VERIFICATION

STATE OF ILLINOIS)
) SS:
COUNTY OF COOK)

THOMAS F. McFARLAND, being duly sworn on oath, deposes and states that he has read the notice in this docket, that he knows the contents thereof, and that the facts therein stated are true and correct.



Thomas F. McFarland

Thomas F. McFarland

SUBSCRIBED and SWORN
to before me this 15th
day of February, 2007.

Kathleen Lenhan

Notary Public

My commission expires: 1/29/2010

APPENDIX 4

CAPTION SUMMARY

**SURFACE TRANSPORTATION BOARD
NOTICE OF EXEMPTION**

(Finance Docket No. 35000)

**TRI RAILROAD, LLC
-- ACQUISITION AND OPERATION EXEMPTION --
TRI OWNERS ASSOCIATION**

TRI Railroad, LLC ("LLC"), a noncarrier, has filed a notice of exemption from 49 U.S.C. § 10901 to acquire from TRI Owners Association, and to operate the following railroad property:

- (1) Track A, which extends from point of connection with Union Pacific Railroad Company (UP) at Engineering Station 1+59 near UP Milepost 259.20 to Engineering Station 123+74 at the end of track at Tahoe/Reno Industrial Center, a distance of approximately 12,215 track feet, or 2.31 miles; and
- (2) Track B, which parallels Track A for a distance of approximately 2,202 track feet, or .42 miles.

A total of approximately 14,417 track feet, or 2.73 miles, is proposed to be acquired and operated, all of which is located in Patrick, Storey County, Nevada.

Any comments must be filed with the Board and must be served on applicant's representative, Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112, (312) 236-0204.

This notice of exemption is filed under 49 C.F.R. § 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. § 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

(SEAL)

By the Board